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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,511	07/30/2001	Hiroaki Tanaka	0020-4881P	1463

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EXAMINER

LEE, EDMUND H

ART UNIT PAPER NUMBER

1732

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,511

Applicant(s)

TANAKA ET AL.

Examiner

EDMUND H. LEE

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1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on preliminary amendments filed 7/30/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "placing a rubber composition...to a mold" (cl 1, lns 5-6) is indefinite because it is idiomatically incorrect. The word "to" should be changed to --in--.

Clarification and/or correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Partridge (USPN 2287270) in view of Sullivan et al (USPN 6213895). Partridge teaches the basic claimed process including a method of making a two layer golf ball core (pg 1, col 1, lns 5-7 and 45-48; col 2, pg 1, lns 3-28; figs 1-2); providing a core pellet/center (pg 1, col 1, lns 5-7 and 45-48; col 2, pg 1, lns 3-28; figs 1-2); placing a rubber composition for a core outer layer in a mold having a semi-spherical cavity and semi-vulcanizing the rubber composition between the semi-spherical cavity and a male plug mold to form a semi-vulcanized half-shell for the core outer layer (pg 1, col 1, lns 5-7 and 45-48; col 2, pg 1, lns 3-28; figs 1-2); and after removing the male plug mold, mounting the core pellet/center on a concave of the semi-vulcanized half-shell for the core outer layer, and covering the core pellet/center with a semi-vulcanized half-shell for the core outer

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layer separately formed in the same manner as the other half-shell to integrally vulcanize (pg 1, col 1, lns 5-7 and 45-48; col 2, pg 1, lns 3-28; figs 1-2). Also, Partridge teaches the use of a rubber composition that does not contain zinc salt of unsaturated carboxylic acid (pg 1, col 1, lns 5-7 and 45-48; col 2, pg 1, lns 3-28; figs 1-2). However, Partridge does not teach molding an unvulcanized center; and covering the core with a cover. Sullivan et al teach molding a golf ball having a dual core (col 25, lns 40-47; col 26, lns 7-65); placing an unvulcanized core center within two half-shells and curing all the materials within the mold to form a cured dual core (col 25, lns 40-47; col 26, lns 7-65); and molding a cover over the core (col 27, lns 40-50). Partridge and Sullivan et al are combinable because they are analogous with respect to forming a golf ball core having two layers. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the unvulcanized core of Sullivan et al as the core of Partridge and to include the step of covering the core with a cover of Sullivan et al in the process of Partridge in order to form a golf ball having a core with bonded layers.


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shama (USPN 4848770) teaches molding a three-piece golf ball; and fully vulcanizing the center while vulcanizing the mantle layer. Berman, deceased et al (USPN 3784209) teaches curing both the golf ball core and the golf ball cover at the same time. Tanaka et al (USPN 6036907) teach the state of the art of molding half-shells for golf balls.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 703.305.5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.


EDMUND H. LEE
Primary Examiner 9/29/03
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EHL